

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
San Diego County Investors Otay Environmental Subdivision (TPM 21090)**

April 24, 2008

I. Introduction

The Otay Environmental Subdivision (TPM 21090) is a Tentative Parcel Map for an existing parcel (APN# 646-030-15) and a portion of another existing parcel (APN# 646-030-13). The project proposes to subdivide 81 acres into 4 parcels, each approximately 11.36 (Parcel 1), 10.01 (Parcel 2), 5.80 (Parcel 3), and 53.75 (Parcel 4) net and gross acres. The project site is immediately south of the City of Chula Vista, east of State Route 125, north of Lonestar Road, and approximately 2.7 miles north of the Mexican border in Otay Ranch, San Diego County. The site is also located in the Otay Ranch Open Space Preserve Conveyance Plan and Multiple Species Conservation Program (MSCP) Hard-line Preserve Area – South County Segment. The site is currently undeveloped and no on- or off-site impacts are proposed. Access to the property is provided by a footpath. No grading is proposed and no impacts to habitat will be incurred as a result of this environmental subdivision and subsequent certificate of compliance.

Based on an analysis of the County's Geographic Information System (GIS) records, the County's Comprehensive Matrix of Sensitive Species, and the Otay Ranch Resource Management Plan, TPM 21090 supports vernal pools, coastal sage scrub, and grasslands. In addition, Quino checkerspot butterfly (*Euphydryas editha quino*) and coastal California gnatcatcher (*Poliioptila californica californica*) have been historically observed within the vicinity.

TPM 21090 is in the MSCP Hard-line preserve. Hard-line preserve areas were set aside in the MSCP South County Segment for preservation of land to mitigate for the loss of habitat and species for the construction of Villages in East Otay Mesa. A portion of the Villages were constructed or are proposed for future development; the remainder areas were purchased by the U.S. Fish and Wildlife Service and the California Department of Fish and Game (Wildlife Agencies) for habitat preservation purposes. The reduced area of development resulted in a surplus of preserve land more than what had been anticipated during the master planning of Otay Ranch. The intended use for TPM 21090 is for future environmental mitigation. No development is proposed for TPM 21090 and the site would be subject to future analysis prior to approval of any formal mitigation proposals. In addition, water and sewage disposal is not necessary. Therefore, no impacts to the existing habitats are proposed.

The findings contained within this document are based on County records and the Otay Ranch Resource Management Plan. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or

changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation-site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

1. Not applicable - No on or off site impacts are proposed from TPM 21090. The biological resources will be left in perpetuity.

B. Report the factual determination as to whether the Mitigation-site qualifies as a BRCA.

1. Not applicable – No mitigation is proposed as a result of TPM 21090 because no impacts are proposed. The biological resources will be left in perpetuity.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

1. TPM 21090 will not impact critical populations of sensitive plant species (Attachment C), significant populations of narrow endemic animal species

(Attachment D), narrow endemic plant species (Attachment E) or sensitive plants (San Diego County Rare Plant List) or propose any impacts within a Biological Resources Core Area because no impacts are proposed and the biological resources will be left in perpetuity. Attachments G and H are not required because no development is proposed.

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

TPM 21090 is not located within a Pre-Approved Mitigation Area (PAMA).

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

1. Habitat linkages as defined by the BMO, rather than just corridors, will be maintained.

TPM 21090 will preserve all habitat linkages defined by the BMO since no development is proposed and all existing resources will remain in perpetuity.

2. Existing movement corridors within linkages will be identified and maintained.

TPM 21090 will not affect existing movement corridors within linkages because the site will be maintained in perpetuity. No development or impacts to biological resources and wildlife corridors and linkages are proposed.

3. Corridors with good vegetative and/or topographic cover will be protected.

TPM 21090 is proposed as an environmental subdivision with the intent of protecting the biological resources on-site as a future mitigation bank. Therefore all vegetation and biological resources on-site will be maintained in perpetuity.

4. Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.

TPM 21090 intend to maintain the biological resources on-site including regional linkages for wildlife and resident wildlife populations and does not propose development.

- 5. The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.**

TPM 21090 is currently undeveloped and supports a variety of biological resources including vernal pools, coastal sage scrub, and grasslands. The adjacent property to the west is a mitigation-site for Cal-trans State Route 125 and has designated that land to remain in perpetuity. TPM 21090 supports a variety of slopes, canyons, drainages, and ridgelines that are contiguous with the Cal-trans mitigation-site to the west, BC 07-0108 to the west, and BC 07-0091 to the south which are also to remain in perpetuity as mitigation land. Since no development is proposed wildlife linkages and width will not be impacted from this environmental subdivision.

- 6. If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.**

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- 7. Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.**

The existing visual continuity on-site will not be impacted as a result of this environmental subdivision because no development is proposed or is expected to occur with the intent of maintaining this area in perpetuity as mitigation land.

- 8. Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.**

The noise levels will not be impacted as a result of this environmental subdivision because no development is proposed or is expected to occur with the intent of maintaining this area in perpetuity as mitigation land.

- 9. Barriers, such as roads, will be minimized. Roads that cross corridors should have ten foot high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.**

TPM 21090 does not propose any roads.

- 10. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-site to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.**

TPM 21090 does not propose development and no impacts will be incurred as a result of this environmental subdivision therefore no wildlife crossings are proposed.

- 11. If continuous corridors do not exist, archipelago (or stepping-stone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.**

TPM 21090 supports continuous corridors and since the project does not propose development and no impacts will be incurred as a result of this environmental subdivision, no archipelago corridors are proposed.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

- 1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

TPM 21090 will not conflict with the no-net-loss wetlands standard since no development is proposed.

- 2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

TPM 21090 will maximize the habitat diversity of the area with the intent of setting up mitigation lands for unique habitats such as vernal pools, coastal sage scrub, and grasslands and unique habitat features and maintaining these viable resources perpetuity.

- 3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

TPM 21090 will provide for extensive patches of coastal sage scrub and other high biologically valuable habitat types with the intent of maintaining the sites as mitigation land.

- 4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

Not applicable - TPM 21090 does not propose development therefore it will not create edge effects.

- 5. The project provides for the development of the least sensitive habitat areas.**

Not applicable - TPM 21090 does not propose development.

- 6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

TPM 21090 will conserve key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

- 7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

TPM 21090 will conserve large interconnecting blocks of habitat useful for wide-ranging species.

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

TPM 21090 does not propose impacts to critical populations and narrow endemics specified in the Subarea Plan.

- 9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

TPM 21090 is located in the MSCP South County segment Hard-line preserve area which was initially set aside as mitigation for East Otay Mesa Villages. However, the expected development of East Otay Mesa Villages was reduced and instead of being developed was set aside as mitigation land, thus creating a surplus of mitigation land. Since there is a surplus of mitigation land TPM 21090 intent is to set up lots that will still set aside habitat to be used to compensate for biological impacts resulting from other developments.

- 10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

TPM 21090 does not propose development or and impacts, therefore no mitigation or on-site mitigation is proposed for these specific projects.

- 11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

TPM 21090 intends to maintain sensitive biological resources in perpetuity by setting up mitigation land. No impacts are proposed to this land therefore the project design maximizes the existing resources by perpetuating all sensitive resources defined in the BMO on-site.

Valerie Walsh, Department of Planning and Land Use

April 24, 2008

MSCP Designation For San Diego Investors Otoy Environmental Subdivision (TPM 21090)

